

ALB:OG
F. #2019R00887

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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19-MJ-569

UNITED STATES OF AMERICA

COMPLAINT

- against -

(18 U.S.C. § 2252(a)(2))

MICHAEL HURLEY,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

DEBRA GERBASI, being duly sworn, deposes and states that she is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations, duly appointed according to law and acting as such.

On or about January 20, 2019, within the Eastern District of New York and elsewhere, the defendant MICHAEL HURLEY did knowingly receive visual depictions, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct and such visual depiction was of such conduct, using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce or which contains materials which have been mailed or so shipped or transported, by any means including by computer.

(Title 18, United States Code, Section 2252(a)(2))

The source of your deponent's information and the grounds for her belief are as follows:¹

1. I have been a Special Agent with the Department of Homeland Security, Homeland Security Investigations, hereinafter "HSI," and its predecessor agencies since 2002, and am currently assigned to the Child Exploitation Group. I have been assigned to investigate violations of criminal law relating to child pornography and the sexual exploitation of children. I have gained expertise in these types of investigations through training in classes and seminars and daily work related to conducting these types of investigations. As part of my responsibilities, I have been involved in the investigation of numerous child pornography cases and have reviewed thousands of photographs depicting children (less than eighteen years of age) being sexually exploited by adults. Through my experience in these investigations, I have participated in the execution of multiple search warrants relating to child pornography offenses and the subsequent prosecution of offenders.

2. In or about and between January 2019 and May 2019, HSI received information concerning the upload of child pornography images to various websites from the IP address 98.116.203.209. The nature of the images uploaded included depictions of prepubescent females engaged in sexual conduct.

3. After receiving these tips, a search of a database available to law enforcement demonstrated that the IP address 98.116.203.209 was associated with a Verizon

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

account. Information provided by Verizon showed that the IP address was registered to a residential address in Bellmore, New York.

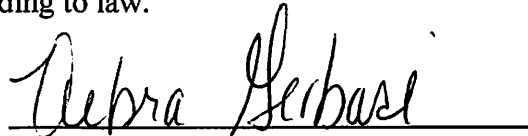
4. On June 19, 2019, law enforcement officers executed a search warrant for child pornography, electronic devices, and other items at the residence in Bellmore, New York associated with the above referenced IP address. The defendant MICHAEL HURLEY was found inside the residence and in possession of three cellular telephones which were seized by law enforcement officers. A preliminary review of two of the cellphones revealed images of child pornography that matched the images that were uploaded from the above referenced IP address.

5. The defendant MICHAEL HURLEY was advised of his Miranda rights, waived those rights and agreed to make a statement. In doing so, the defendant admitted, in sum and substance, that he is the only one that uses the phones that were seized, that he received images of child pornography through the internet, that he pretends to be a younger boy in messaging applications, sends nude photos of himself to girls and asks them to send naked pictures back to him. After being directed to two images that were downloaded to his phone on January 20, 2019, the defendant acknowledged receiving those images from the internet. Both images depict prepubescent females with their genitalia exposed.² In my training and experience, I believe that these images depict real underage children.

² These images are available for the Court's review.

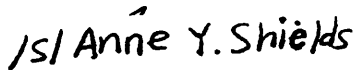
6. In the addition to the images described above, numerous other images of child pornography, including videos of minors engaging in sexual acts, were also found on the defendant's cellular telephones. A forensic examination is currently in progress.

WHEREFORE, your deponent respectfully requests that the defendant MICHAEL HURLEY, be dealt with according to law.



DEBRA GERBASI
Special Agent, United States Department of
Homeland Security, Homeland Security
Investigations

Sworn to before me this
19 day of June, 2019



THE HONORABLE ANNE Y. SHIELDS
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK